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FOLEY AND LARDNER LLP  
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**OFFICE OF PETITIONS**

In re Application of :  
Kobayashi et al. :  
Application No. 10/534,760 : LETTER REGARDING  
Filed: July 5, 2005 : PATENT TERM ADJUSTMENT  
Atty Docket No. 036910-0114 :

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed June 24, 2008. Pursuant to their duty of candor and good faith to the Office, applicants disclose that the initial determination of patent term adjustment at the time of the mailing of the notice of allowance of sixty-two (62) days disagrees with their own calculation.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is forty-four (44) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 25, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 62 days. Applicants do not state a basis for their disclosure that the initial determination of patent term adjustment of 62 days is incorrect.

A review of the record reveals that in response to the final Office action mailed April 19, 2007, applicants did not file a response in compliance with §1.113(c) until August 6, 2007,

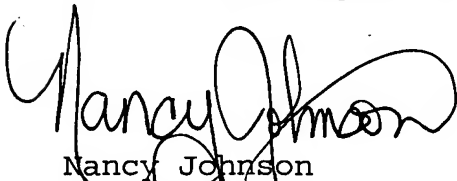
three months and 18 days later. As such, a period of reduction of 18 days is being entered pursuant to 37 C.F.R. §1.704(b).

In view thereof, the correct initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is forty-four (44) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and the period is not consumed by the request for continued examination).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a stylized, flowing script.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

**PALM INTRANET**

Date: 9/3/2008

Time: 15:43:50

**PTA Calculations for Application: 10/534760**

Application Filing Date:	07/05/2005	PTO Delay (PTO):	95
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	33
Post-Issue Petitions:	0	Total PTA (days):	44
PTO Delay Adjustment:	-18		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
61	09/03/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		18	
51	03/25/2008	MAIL NOTICE OF ALLOWANCE			
50	03/20/2008	ISSUE REVISION COMPLETED			
49	03/20/2008	DOCUMENT VERIFICATION			
48	03/20/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	03/20/2008	NOTICE OF ALLOWABILITY			
46	03/20/2008	PRE-APPEALS CONFERENCE DECISION - REOPEN PROSECUTION			
45	12/26/2007	REQUEST FOR PRE-APPEAL CONFERENCE FILED			
44	12/26/2007	NOTICE OF APPEAL FILED		33	40
43	12/26/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
42	12/17/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
41	12/13/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	08/23/2007	MAIL NON-FINAL REJECTION			
39	08/20/2007	NON-FINAL REJECTION			
38	08/15/2007	DATE FORWARDED TO EXAMINER			
37	08/06/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
36	08/15/2007	DATE FORWARDED TO EXAMINER			
35	08/06/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
34	08/15/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			

33	08/06/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	08/06/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	04/19/2007	MAIL FINAL REJECTION (PTOL - 326)			
28	04/16/2007	FINAL REJECTION			
27	02/10/2007	DATE FORWARDED TO EXAMINER			
26	01/24/2007	RESPONSE AFTER NON-FINAL ACTION			
25	10/26/2006	MAIL NON-FINAL REJECTION	95		22
24	10/25/2006	NON-FINAL REJECTION			
23	03/29/2006	DATE FORWARDED TO EXAMINER			
22	03/23/2006	RESPONSE AFTER NON-FINAL ACTION			
21	03/22/2006	CASE DOCKETED TO EXAMINER IN GAU			
20	12/27/2005	MAIL NON-FINAL REJECTION			
19	12/22/2005	NON-FINAL REJECTION			
17	10/27/2005	CASE DOCKETED TO EXAMINER IN GAU			
16	10/26/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	10/26/2005	CASE DOCKETED TO EXAMINER IN GAU			
14	07/05/2005	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
12	07/05/2005	REFERENCE CAPTURE ON IDS			
9	08/29/2005	CLEARED BY OIPE CSR			
8	08/29/2005	CLEARED BY OIPE CSR			
7	08/29/2005	CLEARED BY OIPE CSR			
6	08/26/2005	CLEARED BY OIPE CSR			
5	07/05/2005	371 COMPLETION DATE			
4	08/16/2005	APPLICATION DISPATCHED FROM OIPE			
3	08/16/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			

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#### **EXPLANATION OF PTA CALCULATION**

#### **EXPLANATION OF PTE CALCULATION**

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